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BRITISH CORRESPONDENCE CONCERNING TEXAS

XIV

EDITED BY EPHRIAM DOUGLASS ADAMS

KENNEDY TO ABERDEEN¹

No. 14.

Her Majesty's Consulate
Galveston. June 14th. 1844.

My Lord,

I have the honor to enclose a statement of Laws affecting Shipping and commerce, passed during the last Session of the Congress of this Republic, which terminated on the 5th of February in the present year.²

I have also the honor to enclose Copy of a Communication from Captain Elliot,³ Her Majesty's Chargé d' Affaires to Texas, in answer to mine of the 18th April, of which I deemed it my duty to transmit a Copy to Your Lordship. Captain Elliot's letter, though dated the 1st of May, did not arrive at Galveston until the 3d of the present Month, and it might have been delayed still longer, had not the packet containing it been found at a Steamboat office by my New Orleans Agent.

It would be seen by my Correspondence, that, before the receipt of Captain Elliot's letter dated 1st May, I had proposed to avail myself of a Copy of the Acts of the Texan Congress, as "published for general use," for the purpose of reporting "to the proper quarter all enactments of consequence to our Commercial and Maritime Interests." But, while taking this course, I must respectfully take leave to dissent from Captain Elliot's opinion that it was not necessary to make any application to the Government (of Texas) "upon the subject." On the contrary, the examination of the Acts of Congress, previous to drawing up the enclosed Statement, has

¹F. O., Texas, Vol. 10.

²See Gammel, *Laws of Texas*, II, 969, 976, 998, 1017. Kennedy's enclosure summarizing the laws is here omitted.

³Eliot to Kennedy, May 1, 1844, telling the latter to buy copies of Acts of Texas Congress, rather than communicate with the Government of Texas.

impressed me still more with the necessity of obtaining, for official use, a Copy of the Laws the fidelity of which shall have been certified by the Department of State.

I have had long experience of the general inaccuracy of documents printed in the United States. The usual causes of this inaccuracy exist in a still greater degree in Texas, and there is a proportionate Amount of typographical error. Among the published Laws of last Congress, there is, for instance, one entitled "An Act Supplementary to an "Act regulating the Sale of Runaway Slaves," approved *January* Fifth 1841."—According to the Statutes for 1841, the original law (which, together with the Supplementary Act, I have transmitted in my "Slave Trade" Correspondence) was approved on the 5th of *February*, not January, as recently set forth. I might adduce other instances, but this will suffice to show the unreliable character of the printed Acts.

In reference to the concluding portion of Captain Elliot's reply to my letter of the 18th April, I would beg to observe that—while very far from presuming to question the expediency of any arrangement sanctioned by Her Majesty's Government, it appeared to me that, without any abatement of becoming deference, and in strict accordance with the understood duties of my office, I might respectfully point out whatever public inconvenience arose from a particular arrangement, in order that due provision should be made against the recurrence of such inconvenience. In enacting new laws, or amending old ones, the Legislature of Texas usually provides that the enactments shall come into operation, "from and after the passage of the Act," or "from and after the first day of April," next ensuing. Now, as the Legislative Session, almost invariably closes in the beginning of February, it is certainly desirable that timely notice should be given of all changes affecting trade and shipping, for the guidance of Merchants and Ship-owners during the current year. For lack of such notice, as I stated in my letter to Captain Elliot, of 18th April, "Shipments may be made from England to Texas, under the faith of one Tariff, and arrive just in time to be taxed inopportunately, under the provisions of another."

It is a fact universally admitted here, and not unfrequently a Subject of Complaint, that the Majority of those chosen to the

Congress of Texas are but little skilled in the principles of Commercial legislation, and that Mercantile interests are consequently in peril from rash and ill-digested enactments. It was from knowledge of this fact and apprehension of possible results, that—"with a view to the public advantage,"—I ventured to suggest that—"On occasion of the absence of Her Majesty's Chargé d' Affaires from this Country, during the Legislative Session, it might be expedient to have a proper person, duly authorized, to watch over the proceedings, and to note whatever Measures promised to prove prejudicial, or otherwise, to British interests."

William Kennedy.

The Earl of Aberdeen, K. T.

KENNEDY TO ABERDEEN⁴

Private.

Her Majesty's Consulate

Galveston. June 18th. 1844.

My Lord.

Several weeks have elapsed since my attention was called to a Matter of some delicacy, on which I was slow to bestow serious notice, partly from doubts as to the earnestness of alleged Agents, partly from a disposition to repel any overture, or disclosure, that might in any degree tend to compromise Her Majesty's Government through me, and partly from the apparently unwarrantable introduction of the names of Her Majesty's Chargé d' Affaires and the Chargé d' Affaires of France to this Country.—Of late, this Matter has been presented to me with such a minuteness of detail and semblance of authority, that, to provide against possible contingencies and to relieve myself of an uneasy sense of responsibility, I hold it best to put Your Lordship in possession of the leading facts.

Since the return of Colonel Hockley and Mr Williams, the Texan Commissioners appointed to treat for an Armistice with Mexico, they have not only been visited by unpopularity consequent upon an abortive Mission but there has been an ostensible alienation between them and the President of the Republic. This alienation has been manifested, on the part of the Commissioners, in complaints that, but for the unseasonable action of the Executive in

⁴F. O., Texas, Vol. 10.

favour of the Annexation of Texas to the United States, their Mission might have proved successful. Occupying the position of thwarted Negotiators, it was natural that they should signify their dissatisfaction with a Measure which virtually divested them of their delegated functions and nullified their endeavours. As was to be expected then they have taken occasion to pronounce an unfavourable opinion of the project of Annexation, more especially the Military Commissioner, Colonel Hockley, whose late Colleague being engaged in Mercantile pursuits, is, therefore, it has been intimated, reluctant to commit himself openly to what the Mass of the population would probably consider an objectionable course.

From the free avowals attributed, and I have reason to believe with justice, to Colonel Hockley, it would appear that the ex-Commissioners do not intend to limit their opposition to Annexation to the mere expression of opinion. On the presumption that the Treaty of Annexation may receive the approval of the United States' Congress, they have (I am taught to believe) meditated, and are meditating, the organization of a party, to make a stand against that Measure, even (so at least, the language ascribed to Colonel Hockley seemed to indicate) to the point of armed resistance. In support of the general design, Colonel Hockley and one or two of his fellow-Countrymen and friends alleged that they have the Countenance and Counsel of the now absent representatives of Great Britain and France, from the former of whom Mr Williams, it is asserted, received encouraging Communications by the Steam-boat "New York," which arrived at Galveston, from New Orleans on the 11th Instant. These Communications, together with others superscribed "Private" and addressed to President Houston, were, it is said, recently despatched from Natchez on the Mississippi by Captain Elliot, who—had I not been otherwise instructed by Your Lordship's letter to Mr Macdougall of the 18th April, and Captain Elliot's letter to myself, of the 20th May, —I might be led to infer was still sojourning at, or near to, that locality.

When the Matter under review was first opened to me, in the guise of intelligence, M. de Saligny, Chargé d' Affaires of France, and Colonel Hockley were described as the parties to an arrangement, under which the opponents of Annexation, when properly

organized, were to invoke the aid of France, to uphold them in their efforts to sustain the independence of Texas against the United States. With the progress of events, and for the purpose, it may be, of attracting adherents, the Name of Her Majesty's Chargé d' Affaires was brought forward, as being equally propitious to the design as the representative of France. Finally, it has been stated, that, should the Treaty of Annexation be approved by the Congress of the United States, Colonel Hockley and his Coadjutors will urge forward the prosecution of their plan,—And should the Treaty be rejected, Captain Elliot and M. d' Saligny will expedite their return to Texas, to pursue the Course which circumstances may seem to require—it being understood that President Houston has pleaded their absence from the Seat of Government, during the last Session of Congress, in defence of his yielding to the wishes of the Texan Legislature on the Subject of Annexation.

This is an outline of the Communications, that have been made to me, and which are submitted to Your Lordship as conveyed from Creditable sources, and as affording means of explanation in the event of any complication of affairs arising out of the circumstances detailed

At a period so critical as the present, it may not be inopportune to assure Your Lordship that I have strictly confined myself to the sphere of an observer, limiting the active exercise of forethought to the Condition of British Residents who, on the faith of it's Independence, have selected Texas as a field of enterprize. I may be permitted to add that, acting solely on my own responsibility, I should certainly be wholly adverse, as a general rule, to any connexion with the operations of local party, particularly at the present juncture.—Nor, without impugning, the respectability and good faith of Colonel Hockley and Mr. Williams, would I be at all inclined to make an exception in favour of their alleged Movement. That Movement may be judicious in itself, becoming in its Authors, patriotic as regards this Country and (what I should apprehend to be problematical) accompanied by a prospect of Success,—but it is not to be forgotten that Mr Williams and Colonel Hockley are of American birth and education, that the former was, at one time, private secretary to General Andrew Jackson, and, not remotely, a Member of General Houston's Administration, that

reconciliation and renewed accord with the latter may not be difficult, when it shall seem expedient, ~~that~~ their project and the external sources of reliance are known to other Americans,—that, among a Republican democracy, political secrecy is next to impossible.—And that, if the contemplated design should transpire through the usual means of publicity, it is sure to be dilated into a Scheme of alarming magnitude, calculated to awaken fresh Jealousies in the United States, respecting British interference, and to serve as a pretext for those who wish to precipitate a war. Among the excitable population of the North American Confederacy, a small spark may kindle a great flame.

In a letter marked "Private," which I had the honor to address to Your Lordship on the 31st Ultimo, I mentioned that, to move President Houston to promote the Measure of Annexation, a powerful party in the United States had, it was said, "held out inducements tempting to his Ambition."—Those inducements, I am told, were,—the representation of Texas, as Senator in the United States Congress,—the probable leadership of the American Democratic Party., and the prospect of being started as its Candidate for the Presidency in the year 1848. These propositions would doubtless originate with General Jackson, who, it will be observed, has evinced much dexterity in superseding Mr Van Buren by a Candidate pledged to support Annexation, in the approaching Contest for the Presidency

So far as I can learn, or perceive, Texas continues quiet. The trial of Commodore Moore, for disobedience of orders, and other weighty offences charged against him, is proceeding at the Seat of Government.—The only American Vessel of War at Galveston, is the Schooner "Flirt," which, with one or two brief intervals of absence, has been lying in the Harbour since October last.

The Earl of Aberdeen. K. T.

William Kennedy.

ELLIOT TO ABERDEEN⁵

No. 14.⁶

Blue Sulphur Springs,
Virginia June 22d. 1844.

My Lord,

I have the honor to report that I am ready to proceed to my

⁶F. O., Texas, Vol. 9.

⁵Eliot to Aberdeen, No. 13, 1844, was not found.

post whenever my presence there may seem to Your Lordship to be desirable; and I would add that I have written privately to Mr Pakenham some days since, to say that I shall be prepared to return to Texas at any moment that He may see reason to recommend that course.

Through the press of this Country I learnt that the treaty of annexation had been rejected by the Senate of the United States, and I also observe that Mr Benton's important legislative measure to the same purpose (however modified, limitarily considered) has been set at rest for the present. But I suppose it may be taken for granted that the subject of annexation will be renewed again in some form, at the next regular Meeting of Congress in the United States, if not at a called Session, and perhaps with more probability of success than has attended the treaty

It is not my place, to comment upon the principles of Mr. Benton's Measure, or on the agitating consequences of the continued discussion of this subject in the United States, particularly with these intentions to exclude Slavery from a portion of the Country which He proposes to designate the South Western territory." The heats and serious difficulties, however, which occurred on the introduction of the State of Missouri into this Confederacy will probably present themselves to Your Lordship's recollection in connexion with this subject, for the questions in several important particulars offer the same reasons for anticipating hardly reconcilable differences of opinion.

The excitement and dangers of the Missouri case were only turned aside by the final prevalence of a spirit of Compromise, for which there is less room, and still less of temper in the present instance, and at this advanced period of public opinion and experience upon the subject of Slavery. But without dwelling on these points, I certainly cannot think that Mr. Benton's proposition will find favor with the Government or people of Texas, either in point of matter or manner.

It is to be hoped that the Government of Mexico will prevent a renewal of this Complication, and all the consequences arising from it by the adoption of a sounder policy than they have hitherto pursued, the time for which appears to be rapidly passing away.

I take the liberty to repeat to Your Lordship that communica-

tions to me, addressed to the care of Her Majesty's Consul at Boston, will always reach me within a few days of their arrival at that point.

Charles Elliot.

The Right Honorable,
The Earl of Aberdeen, K. T.

KENNEDY TO ABERDEEN⁷

No. 15.

Her Majesty's Consulate.
Galveston, July 8th. 1844.

My Lord,

I have had the honor to receive Your Lordship's despatch, No 3 of this years series, and beg to tender my grateful acknowledgment of your considerate kindness, in granting me the permission it conveys to seek change of air and scene, for the more speedy re-establishment of my health.

Being sufficiently restored to attend to my various duties, I do not (in the absence of Her Majesty's Chargé d'Affaires) propose to avail myself of the leave until the beginning of September next, when European Shipping will have ceased for a time to frequent this Port; nor, even then, should any exigency render it expedient that I should remain at my post.

I were unworthy of the interest in my welfare indicated by Your Lordship's permission, had it not the effect of quickening my anxiety for the efficient and full discharge of the obligations of my official trust, and of lightening the sense of any personal sacrifice which a conscientious estimate of the weight and extent of those obligations might call upon me to make.

William Kennedy.

The Earl of Aberdeen, K. T.